

REMARKS

Claims 1-4, 6-7, 9-13, 15-18, 21-30, and 32-37 are rejected. Claims 12, 16, 17, 28, and 30 are canceled without prejudice.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claims 1-4, 6-7, 9-11, 13, 15, 18, 21-27, 29, and 32-37 are rejected under 35 U.S.C. §102(b) as anticipated by Krejci.

Per Applicant's understanding of Examiner Wehbe's statement during the June 3, 2009 Interview that this basis of rejection will not be maintained, Applicant does not supplement his April 23, 2009 claim amendments to clarify how the claimed invention is not anticipated by Krejci.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claims 12, 16-17, 28, and 30 are rejected under 35 U.S.C. §103(a) as obvious over Krejci and further in view of Boyce and Boyce U.S. Patent No. 5,976,878.

Per Applicant's understanding of Examiner Wehbe's statement during the June 3, 2009 Interview that this basis of rejection will not be maintained over Boyce and Boyce '878, Applicant supplements his claim amendments to clarify his claimed invention and, because other references were not applied, Applicant respectfully requests the opportunity to distinguish over other references if applied.

As Applicant understands the Examiners' recommendations for clarity, the supplemented amended claims recite a reticulated matrix to which dermal cells directly attach, the dermal cells providing a cellular lamination layer with epidermal cells inoculated on the dermal cells facilitating establishment of a basement membrane. Support is found at least at p. 8 lines 18-20:

The device establishes a basement membrane, and maintains the same anatomic configuration of the cellular layers or populations as in normal, uninjured skin.

and p. 17 lines 1-4:

Subsequently, after the dermal cells have attached, epidermal cells are inoculated as suspensions and permitted to attach to the layer or population of dermal cells.

Applicant also submits a Declaration under 37 C.F.R. §1.132 with this Amendment, analyzing how his dermal cell lamination layer surprisingly facilitated establishment of a basement membrane, compared to previous matrices that lacked such a dermal cell lamination layer.

CONCLUSION

Applicant respectfully asserts that the claims are in complete condition for allowance. The Office is authorized to charge any fees deemed necessary to Deposit Account No. 20-0809.

The Examiner is invited to contact Applicant's undersigned representative with questions.

Respectfully submitted,
THOMPSON HINE LLP

/Beverly A. Lyman/

Beverly A. Lyman, Ph.D.
Reg. No. 41,961

Intellectual Property Group
P.O. Box 8801
Dayton OH 45402
513 352 6596
513 241 4771 facsimile
734896